

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

BRUCE KALISH and JAY D. BARRETT,

Plaintiffs,

v.

FOREMOST INSURANCE COMPANY, a
Michigan Corporation doing business in
Washington,

Defendant.

No. 3:10-CV-05198-RBL

Pierce County Superior Court
Cause No. 10-2-06368-0

**STIPULATION REGARDING
DAMAGES AND ORDER OF
REMAND TO SUPERIOR COURT**

I. STIPULATION

COMES NOW THE PARTIES and hereby stipulate to the following:

1. Without waiver of any claim or defense, the parties stipulate that any and all potential claims being sought by the Plaintiffs in this matter, including claims for contractual damages, claims for coverage, attorney's fees, claims for damages for the alleged bad faith conduct, violations of the Consumer Protection Act, or for violations of the Insurance Fair Conduct Act claims, or any other claims for actual or exemplary damages will not exceed \$50,000.00.

2. Because the amount in controversy does not meet or exceed \$75,000.00, the jurisdictional minimum has not been met. This Court, therefore, does not have jurisdiction over this controversy under 28 U.S.C. §1332 and 28 U.S.C. §1441, and this action should be remanded to Pierce County Superior Court.

**STIPULATION REGARDING DAMAGES AND ORDER OF
REMAND TO SUPERIOR COURT - 1**

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COLE, LETHER, WATHEN, LEID & HALL, P.C.
1000 SECOND AVENUE, SUITE 1300
SEATTLE, WA 98104-1082
(206) 622-0494

1 DATED this _____ day of March, 2010

2 COLE, LETHER, WATHEN,
3 LEID & HALL, P.C.

CAMPBELL, DILE, BARNETT, SMITH &
WILEY, PLLC

4 s/ Rory W. Leid, III _____
5 Rory W. Leid, III, WSBA #25075
6 Midori R. Sagara, WSBA #39626
7 Attorneys for Defendant
8 Cole Lether Wathen Leid & Hall, P.C.
9 1000 Second Avenue, Suite 1300
10 Seattle, WA 98104
11 T: 206 622 0494
12 F: 206 587 2476
13 rleid@clwlh.com
14 msmith@clwlh.com

/s/ _____
Bryce Dille, WSBA #2862
Attorney for Plaintiffs
Campbell, Dile, Barnett, Smith & Wiley,
PLLC
317 South Meridian
Puyallup, WA 98371
253-848-3513 ext203
253-845-4941

II. ORDER

In conformity with the attached stipulation regarding damages and order of remand to superior court, it is hereby ORDERED that the above-captioned action is remanded to Pierce County Superior Court, Cause No. 10-2-06368-0, effective upon entry of this order.

DATED this 2nd day of April, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

COLE, LETHER, WATHEN, LEID & HALL, P.C.

s/ Rory W. Leid, III
Rory W. Leid, III, WSBA #25075
Midori R. Sagara, WSBA #39626
Attorneys for Defendant
Cole Lether Wathen Leid & Hall, P.C.
1000 Second Avenue, Suite 1300
Seattle, WA 98104
T: 206 622 0494
F: 206 587 2476
rleid@clwlh.com
msmith@clwlh.com